

**MINUTES OF THE CITY COMMISSION MEETING
NOVEMBER 24, 2003**

The City of Leesburg Commission held a regular meeting Monday, November 24, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:31 p.m. with the following members present:

Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner Lewis Puckett
Commissioner David Knowles
Mayor David Connelly

Also present were City Manager (CM) Ron Stock, City Clerk (CC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

The invocation and the Pledge of Allegiance to the Flag were part of the GLCRA meeting held prior to the City Commission Meeting.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD
NOVEMBER 10, 2003**

Commissioner Knowles moved to approve the City Commission minutes of the regular meeting held November 10, 2003. Commissioner Perry seconded the motion and it carried unanimously.

**PRESENTATION ON THE USE OF THE CULTURAL ARTS BUILDING BY THE
ARTS COUNCIL**

CM Stock stated staff received a request by the Commission to look at other uses for the Cultural Arts Building. A miscommunication led to an eviction-type letter being sent to users of the building. CM Stock stated there is nothing in the budget to modify the building. Also, a Commission vote would be needed prior to any changes. CM Stock noted the grant that created the building required a limitation on use for arts only for a limited time and that time has passed. It is unlikely the City will modify the use of this building. In the future, Lee School may become available for possible use as a building for all the arts. The desire is to try to bring all the cultural arts activity into one building. The Leesburg Art Association notified the City its intention is to keep the building and no compromise will be accepted.

The commission agreed there was no need to discuss this further and asked if the Art Association spokesperson would like to speak.

Annelle Gillow, spokesperson for the Leesburg Art Association, gave a history of the Art Association and the building. She noted the building is still used by the Leesburg Art Association and asked the Commission to continue the vision of art in the Cultural Arts building.

Commissioner Knowles noted he can see the importance of buildings and the necessity to keep them. He added this shows the value of the Elks Club building. Commissioner Knowles stated he prefers to see the Chamber of Commerce in a less isolated building than the Cultural Arts building. He suggests using the old Library for the Leesburg Partnership, the Building Department, and the Chamber of Commerce and to keep the Cultural Arts where they are currently once the new Library is complete.

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Mayor Connelly called a 5- minute break at 6:12 p.m. The meeting reconvened at 6:19 p.m.

PRESENTATION OF SERVICE AWARDS

Electric and Gas Director (EGD) Lloyd Shank presented service awards to Pete Brown for thirty-five years with the City of Leesburg and Melissa Inmon for ten years with the City of Leesburg.

Library Director (LD) Barbara Morse presented a service award to Dean Jones for fifteen years with the City of Leesburg.

Due to the lateness of the awards presentation, Brien Bowers and Ralph Berry's awards were rescheduled for the next Commission meeting.

PRESENTATION ON THE COUNTY ROAD 470 INTERCHANGE MARKET & LAND USE STUDY BY LAND DESIGN INNOVATIONS, INC.

Ken Thomas introduced Mark Scully, director of civil engineering for LDI, who presented an update on what has been accomplished and what needs to be completed on the County Road 470 Interchange Market and Land Use Study. He noted things to be completed are finalization of the master plan, large scale comprehensive plan amendment, and the deed restrictions.

Commissioner Knowles questioned the deed restrictions. He wondered if the City will lease or sell the parcels. Mr. Scully stated the City needs to make the decision. The development requirements will be preset with the master plan.

Ray Gilley, president of Metro Orlando, stated Metro Orlando is excited about this project and the fact the City is driving it. He noted this location is an easy access to Orlando. An employment center is strategically important in this area. Mr. Gilley applauded staff for this project.

DCM Johnson stated staff will continue work on the layout and working with the County on the restructuring of CR 470.

CONSENT AGENDA:

Pulled B5 (Contract with D.A.B. Constructors)

Commissioner Perry moved to approve the Consent Agenda except item B5 and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the Consent Agenda, as follows:

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PURCHASING ITEMS:

1. 03-FB-14 Bid Extension – Purchase of metal dumpster and roll-off containers for Public Works Dept. awarded to Wastequip Manufacturing Company for \$115,520.00

RESOLUTIONS:

RESOLUTION 6972

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and First Baptist Church of Okahumpka, Inc. for utility construction reimbursement; and providing an effective date.

RESOLUTION 6973

A resolution of the City Commission of the City of Leesburg, Florida, authorizing acceptance of a deed and Bill of Sale for utility equipment from the First Baptist Church of Okahumpka, Inc.; and providing an effective date.

RESOLUTION 6974

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Leesburg High School Athletic Booster Club, Inc., for concession services at the Pat Thomas Memorial Stadium “Buddy Lowe Field”; and providing an effective date.

RESOLUTION 6975

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with Sun Trust Bankcard, N.A., to provide purchasing card services; assigning a Program Manager for such agreement; and providing an effective date.

RESOLUTION 6976

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Works Operating Company for software licensing and training related to use of the Payment Manager program/VISA Purchasing Card program; and providing an effective date.

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RESOLUTION 6977

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an interlocal agreement between the Board of County Commissioners of Lake County, Florida, the cities of Astatula, Clermont, Eustis, Fruitland Park, Groveland, Howey-in-the-Hills, Lady Lake, Leesburg, Mascotte, Minneola, Montverde, Mt. Dora, Tavares and Umatilla, Florida, and the School Board of Lake County relating to the state mandated school interlocal agreement; and providing an effective date.

RESOLUTION 6978

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a settlement agreement with Florida Department of Transportation for funding for acquisition of the former Service Merchandise property at Leesburg Regional Airport; providing for an effective date.

RESOLUTION 6979

A resolution of the City Commission of the City of Leesburg, Florida, adopting Policy 020 Recruiting & Selection and Policy 360 Computer Purchasing Plan of the Leesburg Personnel Policy Manual; and providing an effective date.

RESOLUTION 6980

A resolution of the City of Leesburg, Florida, accepting and approving a plat of Legacy of Leesburg, Unit 3, a subdivision in an R-1-A single family residential district, within the City of Leesburg, Florida, generally located north of Highland Lakes, south of County Road 48, and east of U.S. Highway 27, lying in Section 13, Township 20 South, Range 24 East; and accepting and dedicating the easements and Tract "D" of said lands to the public as contained therein; and providing an effective date.

DENIED RESOLUTION 6985 APPROVING AN AGREEMENT WITH D.A.B. CONSTRUCTORS, INC. FOR THE PURPOSE OF WATER RETENTION/DETENTION BASIN FENCE UPGRADES

Commissioner Lovell introduced the resolution to be read by title only. CC Richardson read the resolution, as follows:

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to approve an agreement between the City of Leesburg and D.A.B. Constructors, Inc. and an FDOT utility permit for the purposes of water retention/detention basin fence upgrades; and providing an effective date.

Commissioner Perry stated this contract is to delete a chain link fence as part of the 4-laning in the mall area and replace it with a better fence. The contract price is too high and there is not an appropriate credit for the chain link fence.

CM Stock stated he does not object to waiting to deciding the cost of the change in the fence does not warrant the cost in the agreement with DAB. He added Commissioner Perry pointed out most of the costs should already be included in the contract. The only cost to the City should be the contractor cost for putting up the fence. CM Stock stated Interim Public Works Director (IPWD) Jim Coleman contacted DOT who stated a need to have barricades that would not

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usually be needed due to switching the lanes. The County offered to reduce the amount by \$12,000. CM Stock noted he has no objection to waiting.

Commissioner Perry stated the City can save \$40,000 by doing this later.

Commissioner Perry moved to deny this resolution and to look at replacing the chain link fence in 18 months with an architectural fence. Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commission Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Five yeas, no nays the Commission moved to deny this resolution.

PUBLIC HEARINGS:

PUBLIC HEARING FOR REQUEST FOR ISSUANCE OF A BOND FOR LIFESTREAM BEHAVIORAL, INC.

John Cherry, CEO of Lifestream Behavioral, Inc., presented an overview of the nature of Lifestream's business. He stated they operate 30 programs with 17 in Leesburg. The effect of this bond is Lifestream will get a better interest rate.

Commissioner Lovell stated Lifestream has done a wonderful job and continues to do many good things.

APPROVED RESOLUTION 6981 AUTHORIZING ISSUANCE OF THE CITY'S INDUSTRIAL DEVELOPMENT REVENUE BOND, SERIES 2003 FOR \$2,600,000 TO PROVIDE FUNDS TO MAKE A LOAN TO LIFESTREAM BEHAVIORAL CENTER, INC. TO REFINANCE INDEBTEDNESS LIFESTREAM INCURRED TO FINANCE COSTS OF IMPROVING HEALTHCARE AND SOCIAL SERVICE CENTER FACILITIES, TO PAY VARIOUS CAPITAL EXPENDITURES FOR THE FACILITIES AND TO PAY A PORTION OF THE COSTS OF ISSUING THE BOND

Commissioner Lovell introduced the resolution to be read by title only. CC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida authorizing the issuance of the City's industrial development revenue bond, series 2003 (Lifestream Behavioral Center, Inc. project) in the principal amount of \$2,600,000 for the purpose of providing funds to make a loan to Lifestream Behavioral Center, Inc. (the "borrower") to provide funds to refinance indebtedness of the borrower incurred to finance the cost of acquisition, construction and improving of healthcare and social service center facilities owned and operated by the borrower, to pay various capital expenditures in respect of such facilities and to

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pay a portion of the costs of issuing the bond; approving the form of and authorizing the execution of a loan agreement, a bond purchase agreement, a mortgage, assignment of rents and security agreement, an environmental indemnity agreement and an assignment of loan agreement, mortgage, promissory note and other collateral; awarding the sale of the bond by a negotiated sale; authorizing officials of the City to take certain action in connection with the issuance of the bond; making certain other covenants and agreements in connection with the issuance of the bond; and providing an effective date.

Commissioner Perry stated the City's participation in this bond is strictly in a sponsorship role. CA Morrison stated that is correct. The repayment will be made strictly from funds made available by Lifestream. The City does not have to put out any money to repay this.

Commissioner Perry moved to approve the resolution and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commission Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Five yeas, no nays the Commission moved to approve the resolution.

APPROVED REQUEST FOR THE CITY TO ACQUIRE ALL OF THE DABNEY ELEMENTARY SCHOOL BUILDINGS FOR USE TO BE DETERMINED AT A LATER TIME

EDD Ken Thomas stated staff received a request for action to be taken on the reuse of Dabney Elementary School property. Two community meetings have been held to gather information. The Lake County School Board has agreed to deed Buildings 9 – 16 to the Community Development Corporation (CDC) and to use the front portion as a commercial venture. Dabney Minatee Heritage Group, Inc. is requesting Buildings 7 – 15, including the media center, for educational use.

Carlyle Holder, warden of the Federal Prison, stated his group is excited about working with the Dabney Elementary group to provide programs for young people. He noted 80% of incarcerated people have no high school education. Sponsors have agreed to help with this project. His group will bring needed services to the area.

Margaret Ward, citizen of the area, stated she has lived in Leesburg since 1947. She worked for the Lake County School System and was one of first reading teachers in Lake County. Her life has been dedicated to the betterment of youth. Her group is asking Commissioners and staff to give them the authority to request the Lake County School Board give the City the Dabney Elementary School. Ms. Ward noted the chair of the Board of Lake County Schools was present. Ms. Ward presented a petition to request the City request all of the Dabney Elementary School property with 500 signatures to the clerk.

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John Christian, executive director of the CDC, thanked others for their efforts. The CDC is asking the City to request all of Dabney Elementary be given to the City and then the City giving it to the CDC. They have not received approval for the front part of the school property yet. He wants a funding source in place to sustain the dream of the community. There is a great need for the youth in the community. John Christian stated they are working on space utilization. He believes the community will work to get the funding necessary to keep the property going.

Commissioner Lovell requested clarification. He noted the City is being asked to be the medium for the property from the School Board. The CDC will then work with the other groups to determine usage. Mr. Christian stated the back portion has already been promised to the City to be given to the CDC. The children groups want this part. The CDC wants the front part of the school property. There may be a cost for that portion which the CDC is willing to pay.

Commissioner Perry stated there is a communication problem. The City would help to transfer title from the School Board to the Minnetonka Group or CDC; but is not willing to hold title to the buildings, as they need a lot of repair. He stated no one is willing to assume the liability and costs associated with the buildings.

Commissioner Lovell left the room at 7:21 p.m. and returned at 7:25 p.m.

Commissioner Puckett questioned why the School Board would not sell the property. John Christian stated citizens have already donated to the School so he is hopeful the School Board will donate it back.

Commissioner Knowles asked if the whole project would be jeopardized if the City requests all the property. Mr. Christian stated his staff will back off if they need to to save the deal.

Mr. Holder stated his group did meet with the assistant superintendent. They want to work with the City to break the cycle of problems in the area.

Commissioner Lovell clarified Ms. Ward wants the School Board to deed the whole school to the City.

Colleen Fischer, chair of the Lake county School Board, stated the students need the attention. Dialogue on the site needs to be reopened. It is prudent move to benefit students.

John Christian stated the request is for the City of Leesburg to request all this property for community needs not community service. Margaret Ward requested the supporters stand. Many people in the room stood.

Commissioner Lovell moved to approve Option 3, (requesting the entire Dabney Elementary School property), but changing the wording to state needs not services. Commissioner Knowles seconded the motion.

Commissioner Perry requested clarification of the motion.

Commissioner Lovell clarified it stating the City will ask to acquire the property for community needs and then negotiate with the groups later. CM Stock requested adding the phrase "as a

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conduit for.” Commissioner Lovell agreed to the change. Commissioner Perry seconded the motion. The roll call vote was as follows:

Commission Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Connelly	Yea

Five yeas, no nays, the motion to acquire the property acting as a conduit for community needs was approved.

ADOPTED ORDINANCE 03-103 CREATING §30-17 OF THE CODE OF ORDINANCES TO CREATE AN HISTORIC PLAQUE PROGRAM

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, creating §30-17 of the Code of Ordinances, to create a Historic Plaque Program; specifying criteria to govern award of historic plaques; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commission Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the ordinance was adopted.

ADOPTED ORDINANCE 03-104 REZONING APPROXIMATELY .21 ACRES OWNED BY JAMES STEVENS FROM R-3 TO PSC PINE STREET COMMERCIAL ON THE WEST SIDE OF CHILDS STREET, SOUTH OF PINE STREET

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately .21 acres generally located approximately 65 feet south of the intersection of Pine Street and Childs Street, lying in Section 26, Township 19 south, Range 24 east, Lake County, Florida, from R-3 (moderate density residential) to PSC (Pine Street Commercial); and providing for an effective date. (James Stevens)

Commissioner Puckett moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

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Commissioner Perry	Yea
Commissioner Puckett	Yea
Commission Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Five yeas, no nays, the ordinance was adopted.

INTRODUCED AN ORDINANCE ANNEXING APPROXIMATELY .46 ACRE OWNED BY WILLIAM F. CAMPBELL, WEST OF THE INTERSECTION OF ICE CREAM ROAD AND THIRD STREET IN SECTION 19-19-25 AND REZONING FROM COUNTY C-2 TO CITY C-3; PLACING PROPERTY IN COMMISSION DISTRICT (QUASI-JUDICIAL)

Commissioner Perry introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance annexing certain property owned by William F. Campbell, said property consisting of approximately .46 acres and being generally located approximately 220 feet west of the intersection of Ice Cream Road and Third Street, lying in Section 19, Township 19 south, Range 25 east, Lake County, Florida, which is contiguous to the City limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County C-2 (Community Commercial) to City C-3 (Highway Commercial); providing that said property shall be placed in Commission District 1; and providing for an effective date.

INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP DESIGNATION OF APPROXIMATELY .46 ACRE APPROXIMATELY 220 FEET WEST OF THE INTERSECTION OF ICE CREAM ROAD AND THIRD STREET IN SECTION 19-19-25 FROM COUNTY URBAN TO CITY COMMERCE (JOHNSON'S KIA)

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately .46 acre and generally located approximately 220 feet west of the intersection of Ice Cream Road and Third Street, lying in Section 19, Township 19 south, Range 25 east, Lake County, Florida, from County Urban to City Commerce; and providing an effective date (Johnson's Kia)

INTRODUCED AN ORDINANCE ANNEXING APPROXIMATELY 3.84 ACRES OWNED BY STEVEN J. RICHEY, AS TRUSTEE FOR LESTER W. HUEY, JR., AT THE NORTHEAST CORNER OF RICHEY ROAD AND EAST RICHEY ROAD IN SECTION 28-19-24 AND REZONING FROM COUNTY R-6 TO CITY C-2; PLACING PROPERTY IN COMMISSION DISTRICT 3 (QUASI-JUDICIAL)

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance annexing certain property owned by Steven J. Richey, as trustee for Lester W. Huey, Jr., said property consisting of approximately 3.84 acres and being generally located northeast corner of the intersection of Richey Road and East Richey Road, lying in Section 28, Township 19 south, Range 24 east, Lake County, Florida, which is contiguous to the City limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County R-6 (Urban Residential) to City C-2 (Community Commercial); providing that said property shall be placed in Commission District 3; and providing for an effective date.

INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP DESIGNATION OF APPROXIMATELY 3.84 ACRES AT THE NORTHEAST CORNER OF THE INTERSECTION OF RICHEY ROAD AND EAST RICHEY ROAD IN SECTION 28-19-24 FROM COUNTY URBAN TO CITY COMMERCE (LESTER HUEY JR./RICHEY PROPERTY)

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 3.84 acre and generally located at the intersection of Richey Road and East Richey Road, lying in Section 28, Township 19 south, Range 24 east, Lake County, Florida, from County Urban to City Commerce; and providing an effective date (Richey property)

INTRODUCED AN ORDINANCE ACCEPTING A WARRANTY DEED FROM SHORE ACRES ESTATES, INC. (PHILIP K. HERLONG, AGENT) FOR LAND IN SECTION 24-19-24 ADJACENT TO THE CANAL STREET WASTEWATER TREATMENT PLANT

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

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An ordinance of the City of Leesburg, Florida, accepting a warranty deed given by Shore Acres Estates, Inc., as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 24, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

INTRODUCED AN ORDINANCE ACCEPTING A WARRANTY DEED FROM CABLE SERVICES, INC. FOR LAND IN CLARK'S SUBDIVISION SECTION 26-19-24 (415 WEST MAGNOLIA STREET)

Commissioner Perry introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a warranty deed given by Cable Services, Inc., as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 26, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM AMSOUTH BANK IN SECTION 23-19-25 (U.S. HWY 441)

Commissioner Perry introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Amsouth Bank, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 23, township 19 south, Range 25 east, Lake County, Florida; and providing an effective date.

INTRODUCED AN ORDINANCE REVISING CHAPTER 2, ARTICLE IV OF THE CODE OF ORDINANCES PERTAINING TO ADVISORY BOARDS; LIBRARY BOARD, PERSONNEL COMMITTEE, PLANNING COMMISSION, RECREATION ADVISORY BOARD, HISTORIC PRESERVATION BOARD, AND THE AIRPORT ADVISORY BOARD

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, revising Chapter 2, Article IV of the Code of Ordinances pertaining to advisory boards; amending those ordinances governing advisory boards in general; the library board; the personnel committee; the planning commission; the recreation advisory board; the historic preservation board; and the airport advisory board; consolidating certain provisions applicable to all such boards with regard to appointment and terms of office; updating antiquated language; clarify the responsibilities of the various advisory boards; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry stated he objects to eliminating the staff participating as active members. He questioned the purpose of the change.

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DCM Johnson stated having staff as an active member puts them in an awkward position. Staff will still be present to serve as secretary, answer questions, etc.

INTRODUCED AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 10 OF THE CODE OF ORDINANCES PERTAINING TO COMMUNITY REDEVELOPMENT AGENCIES TO CLARIFY AND UPDATE REGARDING THE GOVERNING BOARDS OF SUCH AGENCIES

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, amending Chapter 2, Article IV, Division 10 of the Code of Ordinances pertaining to Community Redevelopment Agencies, to clarify and update provisions regarding the governing boards of such agencies; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

INTRODUCED AN ORDINANCE AMENDING §3-76(15) OF THE CODE OF ORDINANCES TO ELIMINATE THE EXEMPTION OF BENCHES FROM THE PROVISIONS OF THE SIGN ORDINANCE; TO CLARIFY THAT BUS STOP SHELTERS AND SIMILAR STRUCTURES ARE SUBJECT TO THE SIGN ORDINANCE

Commissioner Perry introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida amending §3-76(15) of the Code of Ordinances, to eliminate the exemption of benches from the provisions of the sign ordinance; to clarify that bus stop shelters and similar structures are subject to the sign ordinance; repealing conflicting ordinances; providing a severance clause; and providing an effective date.

Commissioner Connelly questioned if this will involve those benches already in place. CM Stock stated it will affect any non-authorized benches.

INTRODUCED AN ORDINANCE AMENDING §5-3 OF THE CODE OF ORDINANCES PERTAINING TO SETBACKS FOR ESTABLISHMENTS SELLING ALCOHOLIC

Commissioner Knowles introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, amending §5-3 of the Code of Ordinances pertaining to setbacks for establishments selling alcoholic beverages; adding setbacks from day care centers, public parks and playgrounds; increasing the setback distances; and creating a setback between establishments selling alcohol for consumption on the premises; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell stated he would abstain from voting on this as his agency is involved in selling locations involved. His agency currently represents a firm that may be affected by this.

Richard Hindman, real estate agent, stated his client has the former Leesburg China Buffet under contract. This ordinance will affect putting two restaurants in side-by-side that sell alcohol. This could affect future development.

Commissioner Puckett questioned if a variance could be given in the case of a large establishment. Mr. Hindman stated giving a variance to large establishments may cause smaller companies to feel as if they are being singled out.

Commissioner Perry stated 5th Street Charhouse is within 1500 feet of Morrison Church. He questioned if the distance was too large.

CM Stock stated staff requested the City Attorney to draft the document. The setbacks do not go into affect in the Central Business District. This will affect the property discussed above if this is voted in. It would not affect licenses already in affect.

INTRODUCED AN ORDINANCE AMENDING §2-227 OF THE CODE OF ORDINANCES PERTAINING TO REIMBURSEMENT OF TRAVEL AND RELATED EXPENSES FOR CITY EMPLOYEES AND COMMISSIONERS

Commissioner Knowles introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, amending section 2-227 of the City Code pertaining to reimbursement of travel and related expenses for City employees and commissioners; providing that the City Commission will adopt a travel policy by resolution and may subsequently amend the travel policy by resolution; repealing conflicting ordinances, providing a savings clause, and providing an effective date.

Mayor Connelly questioned why the City would exempt itself from the policy set by Florida Statutes. CM Stock stated there was an Attorney General ruling this past year that cities could not have a separate travel policy unless the exemption is specifically stated. The City of

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Leesburg follows the Internal Revenue's figure for reimbursement for business use of a personal vehicle.

Commissioner Perry stated the City should go along with the State guidelines. He questioned if the reimbursement was the only difference.

CM Stock stated the per diems are also different. He noted 99% of the cities have their own policies. The State put its policy into a statute. It doesn't change from year to year although the cost of fuel changes.

Commissioner Perry requested an itemized comparison between the City policy and State policy by the next meeting.

DCM Johnson stated the State has large motor pool and a contract with Avis or Hertz. The State has not raised the per diem in the past 15 years.

INTRODUCE A RESOLUTION IMPOSING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS OR PROCESSING EXISTING APPLICATIONS FOR ADULT ARCADES

Commissioner Knowles introduced the resolution to be read by title only. CC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, setting forth legislative findings; imposing a moratorium on the acceptance of applications or the processing of existing applications for approval of any adult arcade or other facility of a similar nature; providing a savings clause; and providing an effective date.

Commissioner Perry asked if there was a problem with this in Leesburg. CA Morrison stated the problem arrived when the first adult arcade came in. Planning and Zoning Commission felt it was fine, but the Police Department felt it went over the line. Other cities have had problems recently. The City wants to stop allowing this until a determination is made by the court system as to whether it is legal or not.

Commissioner Knowles stated it is apparently a very profitable business.

Barry Lee "Little Bear", owner of Club Bogart – an adult video arcade, stated the games in his club were described to the State Attorney prior to applying to the City of Leesburg and were deemed okay. The games at his club require some skills and a winning ability for the person playing the game. His club offers free membership.

Leonard Tavernifh, a patron of Club Bogart, supports Barry Lee "Little Bear" stating Club Bogart is a good place to go.

CM Stock noted a second person applied and was approved for an adult video arcade across from Palm Plaza.

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Barry Lee "Little Bear" stated that business will not be opening. He stated he has applied for a second location to be at the Mall. This moratorium will eliminate the second store.

Commissioner Lovell moved to approve the moratorium to be in effect until a decision is made by the court as to the legality of these stores. Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Puckett	No
Commission Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	No
Mayor Connelly	Yea

Three yeas, two nays, the resolution was adopted.

ADOPTED RESOLUTION 6982 IMPOSING A SIX MONTH MORATORIUM ON CERTAIN DEVELOPMENT ORDERS AND ANNEXATIONS WITHIN THE SUNNYSIDE AREA

Commissioner Knowles introduced the resolution to be read by title only. CC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, setting forth legislative findings with regard to land use and development in the Sunnyside area; imposing a six month moratorium on certain development orders and annexations within the Sunnyside area; and providing an effective date.

Commissioner Perry stated he selects Option 1 as it includes Sleepy Hollow Road.

CM Stock stated staff is requesting clear direction as they have been approached by people outside of the area depicted by Option 2. The option chosen will have different outcomes for the people involved. Option 3 is compromise between Options 1 and 2.

Commissioner Lovell moved to approve the resolution with Option 2.

CM Stock clarified this moratorium would not affect developments already approved.

Commissioner Puckett seconded the motion.

The roll call vote was as follows:

Commission Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	No
Commissioner Puckett	No
Mayor Connelly	No

Two yeas, three nays, the motion did not pass

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Maury Tucker, resident of Sunnyside area, stated the residents would definitely want Option 1 which includes Sleepy Hollow.

Commissioner Perry moved to adopt the resolution with Option 1 which includes Sleepy Hollow Road. Commissioner Puckett seconded the motion.

The roll call vote was as follows:

Commissioner Lovell	No
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commission Knowles	No
Mayor Connelly	Yea

Five yeas, two nays the Commission adopted the resolution with Option 1.

Community Development Director (CDD) McElhanon requested confirmation on whether to include a task force or not.

Commissioner Perry stated his preference is to have a task force. Commissioner Perry moved to include the task force. Commissioner Puckett seconded the motion and it passed unanimously.

ADOPTED RESOLUTION 6864 APPOINTING JUANITA JONES TO THE LIBRARY ADVISORY BOARD WITH TERM EXPIRING SEPTEMBER 30, 2007

Commissioner Puckett introduced the resolution to be read by title only. CC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, appointing Juanita Jones as a member of the Leesburg Public Library Advisory Board to fill the remaining portion of a five-year term of office to end September 30, 2007; and providing an effective date.

Commissioner Perry moved to adopt the resolution and Commissioner Knowles seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commission Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Five yeas, no nays the Commission moved to adopted the resolution.

DENIED REQUEST FROM MATHEW KANG TO AMEND USES PERMITTED AT LEESBURG REGIONAL AIRPORT

Commissioner Puckett stated he is opposed to changing the permitted uses at the airport.

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Commissioner Perry stated the uses should be amended to only include airport uses.

Commissioner Lovell stated Mr. Kang is an international realtor. Commissioner Lovell stated Mr. Kang interprets what he does as airport related. Commissioner Lovell stated he fears there may be a lawsuit out of this.

CA Morrison stated he is not concerned about a lawsuit as Mr. Kang voluntarily signed a lease. There is no claim of any sort of discrimination therefore the City would only need to show the court it has a rational basis for its uses. CA Morrison stated he is confident the City would not have a hard time proving a rational basis.

Commissioner Perry moved to deny Mr. Kang's request. Commissioner Knowles seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commission Knowles	Yea
Commissioner Lovell	No
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, one nay the Commission denied Mr. Kang's request.

CITY ATTORNEY ITEMS:

1. CA Morrison stated he received he was notified by the County's attorney that the Venetian Cove Marina property will be tax exempt.
2. CA Morrison stated K-Mart has offered a settlement for the past due utilities which are due. He recommends the City accept this settlement as it may take years to get the actual full amount due.

Commissioner Knowles moved to approve CA Morrison's recommendation. Commissioner Puckett seconded the motion and it passed unanimously.

FINANCE DIRECTOR ITEMS:

1. Finance Director (FD) Pheilsticker gave the Monthly Financial Report for October 2003. He noted the year is going well.
2. FD Pheilsticker announced the proposed BPCA rate for December 2003 is \$14.00 per 1,000 kWh.

Commissioner Perry moved to accept the proposed figure. Commissioner Lovell seconded the motion and it passed unanimously.

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CITY MANAGER ITEMS:

1. CM Stock stated he had wanted to discuss employees working a full day Christmas Eve in exchange for closing the City the day after Christmas however, after seeing the costs involved, he has decided not to request this change.
2. CM Stock reminded everyone of the Airport Rededication Ceremony being held Tuesday at 11:00 a.m.
3. CM Stock reminded everyone of the Venetian Gardens Light Up ceremony to be held Saturday, November 29, 2003 at 6:00 p.m.

ROLL CALL:

Commissioner Lovell – apologized for being late to the meeting.

Commissioner Perry – nothing

Commissioner Puckett – stated he is instructing the City Manager to hold no more marathon meetings. He wished everyone a safe and happy holiday.

Commissioner Knowles – stated he will miss the Christmas House in the old Elk's Building.

Mayor Connelly – wished everyone a happy holiday.

Commissioner Puckett moved to adjourn the meeting and Commissioner Knowles seconded the motion. The meeting adjourned at 8:43 p.m.

Attest:

Mayor

City Clerk

Diane L. Gibson Smith
Recorder

MINUTES 031124